

# HUSCH BLACKWELL

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November 14, 2011

**Certified Mail -Return Receipt Requested**

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

RE: Response to Information Request dated September 6, 2011

Dear Sir/Madam:

This letter is in response to the Request for Information directed to Anthony Hicks of Green Plains Otter Tail, LLC ("GPOT"), dated September 6, 2011 and received by GPOT on September 12, 2011. As confirmed in Michael Montgomery's letter to Molly DeSalle dated September 26, 2011, because of the extensive resources and time required to completely respond to the Information Request, EPA agreed to an extension of the submittal deadline to November 14, 2011.

GPOT generally objects to the overly broad and unduly burdensome nature of the questions included in the September 6, 2011 Request for Information propounded by EPA. Additionally, GPOT objects to the Request for Information to the extent that the request exceeds the scope of EPA's authority under CAA § 114(a). These objections are continuing in nature, and apply to each and every GPOT response to EPA's Request for Information. Notwithstanding these objections, in keeping with GPOT's commitment to cooperate with EPA, GPOT provides the attached responses.

The requested information is provided on the enclosed hard drive which has been scanned for viruses using McAfee Virus Scan. Although GPOT does not have complete records for the facility from the time period before GPOT acquired it on March 24, 2011, many of the responses do include responsive records in GPOT's possession related to the facility operations by the previous owner. As agreed by Ms. DeSalle, for questions that requested information to the present, GPOT has provided information through August 31, 2011. Further, for those requests that identified a specific format for the submission of data, GPOT has endeavored to provide the data in the requested format where it is readily available in that format. For some answers, GPOT has utilized the best available information to create a spreadsheet or other document that presents the information requested in an easily viewable format. In certain

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instances, however, GPOT has submitted the data that it has in the format that it regularly keeps the data. It should be noted that any documents that are privileged under the attorney/client privilege, work product doctrine or any other applicable privilege have not been included in this response.

Finally, with respect to Request 20, Ms. DeSalle agreed that the request is broader than intended and GPOT can reasonably limit its response to Request 20 to documents identified pursuant to searches of relevant files and e-mail accounts in a manner designed to identify and provide documents related to venting episodes, including, if any, discussions of design and operation of the equipment that would tend to eliminate, reduce or provide for additional venting. To that end, in addition to its review for documents, GPOT has searched the e-mail folders of relevant employees for any correspondence containing related terms. Additional detail regarding the e-mail search is included in the attached response.

The requested certification is attached. If you have any questions or require additional information, please contact me at the above number.

Very truly yours,

HUSCH BLACKWELL LLP

By:   
Carlota Hopinks-Baul

CHB/ah

cc: Molly DeSalle, US EPA, Region 5

## List of Attachments

1. GPOT's Certification Statement
2. Narrative Response Document
3. Table of Contents for Responsive Documents on Enclosed Hard Drive